

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

BRUCE DAVIS, B-41079

First-degree murder (2 counts)

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

Bruce Davis was a member of Charles Manson's cult known as "the Family." In the summer of 1969, the twenty-member Family lived on the Spahn Ranch and fervently embraced Manson's apocalyptic and warped worldview. Manson believed that a civilization-ending war between the races—known as Helter Skelter—was imminent, and that the Family would emerge from hiding in the desert to take control of the world. Manson came to believe that the Family would have to precipitate the race war by murdering white victims in atrocious ways and smearing the victims' blood on walls to incite violence against blacks. *See People v. Manson* (1976) 61 Cal.App.3d 102, 127-30. According to former member Barbara Hoyt, preparing for Helter Skelter physically, mentally, and financially was the all-pervasive fabric of the Manson Family daily life.

In July 1969, Manson spoke with a group of Family members, including Davis, about the need to raise money and supplies to relocate to the desert. Gary Alan Hinman, an aspiring musician known to the Family, was discussed as a possible source of funds. On July 26, 1969, Davis was seen in the company of Manson and Robert Beausoleil. Beausoleil was wearing a sheathed knife, and Davis was holding a 9-milimeter Radom gun he had purchased under a false name. That night, Davis drove Family members Mary Brunner, Susan Atkins, and Robert Beausoleil to Mr. Hinman's residence and returned to the Ranch. Two days later, Manson received a telephone call indicating that Mr. Hinman "was not cooperating."

Manson and Davis returned to Mr. Hinman's house. When they arrived, Mr. Hinman had already been struck with a gun in a struggle in which the gun had discharged. Davis took the gun away from Beausoleil and pointed it at Mr. Hinman while Manson sliced Mr. Hinman's face open with a sword, cutting from his left ear down to his chin. Mr. Hinman was bandaged and put into bed, slipping in and out of consciousness. Davis and Manson drove back to the Ranch in Mr. Hinman's Fiat station wagon. Brunner, Atkins, and Beausoleil remained at Mr. Hinman's house for two more days while Mr. Hinman lay bleeding. Beausoleil eventually stabbed Mr. Hinman in the chest and smothered him with a pillow. Mr. Hinman's badly decomposed body was found on July 31, 1969. Inside the home, the words "political piggy" and an animal paw print were drawn on the walls with Mr. Hinman's blood.

On August 9 and 10, 1969, several Family members participated in the gruesome murders of Sharon Tate, Leno and Rosemary La Bianca, and four other victims. *See generally People v. Manson, supra*, 61 Cal.App.3d 102. Davis did not participate in and was not charged with these crimes. Davis admits he found out about the Tate-LaBianca murders the next day.

Donald “Shorty” Shea was a stuntman and ranch hand at the Spahn Ranch. Manson Family members believed Mr. Shea was a police informant. In late August 1969, Manson and his followers discussed plans to kill Mr. Shea. Manson, in the presence of several members, including Davis, told them they were going to kill Mr. Shea because he believed that Mr. Shea was a “snitch.”

Around the evening of August 27, 1969, Mr. Shea asked longtime friend, Ruby Pearl, if he could stay at Mrs. Pearl’s home. Mr. Shea was very nervous and kept looking around, saying, “It gives me the creeps to stay here.” Mrs. Pearl had no place for Mr. Shea to stay. As she drove away she saw a car pull up and several Manson members emerge from the car. She saw Davis, Manson, Charles “Tex” Watson, and Steven “Clem” Grogan approach and surround Mr. Shea. She left the area and never saw Mr. Shea again.

The following day, the Manson Family left the Spahn Ranch and went to the desert. According to trial testimony from Barbara Hoyt, Manson recounted the details of the Shea murder to a group of members. Manson said that “they had killed Shorty [Shea]” and “they cut him up in nine pieces.” Manson described how they had taken Mr. Shea for a ride, hit him in the head with a pipe, and then started stabbing him and kept stabbing him. Manson also related that Mr. Shea was “real hard” to kill until they “brought him to ‘now.’” (The term “now” to the Manson Family meant absence of thought). Davis, agreeing with Manson’s description of the murder, stated: “Yeah, when we brought him to now, Clem cut his head off,” adding, “That was far out.” As Manson described the murder, Davis nodded his head and smiled several times. *See People v. Manson* (1977) 71 Cal.App.3d 1, 21-22.

Davis was arrested on December 7, 1970 after evading capture for over a year. He was convicted of two counts of first degree murder and conspiracy to commit murder and robbery. At his sentencing, the court stated that Davis had knowingly and willingly aided and abetted Mr. Hinman’s murder and had actively participated in Mr. Shea’s “peculiarly vicious and horrible” murder. The court observed that Davis had known what the purpose and intent of the Manson Family was, that Davis was older and more educated than most of the other Family members, and that Davis was capable of independent judgment but he deliberately chose to engage in these murders. In short, the court concluded that Davis “shouldn’t be treated as somebody who was just led along by the nose and at the whim and command of Charles Manson.”

GOVERNING LAW

The question I must answer is whether Davis will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) In rare circumstances, the aggravated nature of the crime alone can provide a valid basis for denying parole even when there is strong evidence of rehabilitation and no other evidence of current dangerousness. (*Id.* at pp. 1211, 1214.)

DECISION

The Board of Parole Hearings found Davis suitable for parole based on his remorse and insight, educational achievements and self-help programming, vocational training, age, discipline-free behavior, psychological reports, and parole plans.

I acknowledge Davis has made efforts to improve himself while incarcerated. He earned a Masters in Religion and Ph.D. in Philosophy and Religion, graduating *summa cum laude*. He has been disciplined twice for serious misconduct, the last occurring in 1980. He completed vocational drafting and has held several institutional jobs. He has participated in several self-help groups, including Alcoholics Anonymous, Alternatives to Violence, Parenting, and group and individual psychotherapy. He has moderated the Yokefellows Peer Counseling group since 1983 and teaches Bible classes. I commend Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Davis actively participated in the heinous and brutal murders of Gary Hinman and Donald Shea. Mr. Hinman was targeted by the Family for his money and was beaten, slashed from ear to chin, held hostage for days in pain and without medical assistance, and was finally stabbed to death. Mr. Hinman's body was desecrated, his blood used to write political messages on the walls of his home, and his corpse left to decompose. Mr. Shea was silenced to protect the Family. Surrounded by Davis and his crime partners, Mr. Shea was repeatedly stabbed and chopped, beheaded, and buried. The motives for these murders—to fund and incite a race war and to protect the Family from police intrusion—and the way they were carried out demonstrate to me an exceptionally callous disregard for human suffering.

Davis played a central role in these murders. He was a part of the Family's discussions to rob and kill Mr. Hinman. He furnished the gun that Beausoleil used in the robbery and drove Beausoleil, Atkins, and Brunner to Mr. Hinman's house. When Mr. Hinman resisted and caused problems for his captors, Manson and Davis were called to restore order. Davis now admits that he pointed the gun at Mr. Hinman while Manson mutilated Mr. Hinman's face. He left Mr. Hinman to suffer and die with his crime partners. He was also a part of the Family's discussions to kill Mr. Shea. Davis and the others surrounded and viciously attacked Mr. Shea. Davis now states he sliced Mr. Shea from his armpit to his collarbone while his crime partners repeatedly stabbed and clubbed Mr. Shea. He later bragged about how Mr. Shea's body had been

dismembered and decapitated. As our Supreme Court has acknowledged, in rare circumstances, a murder is so heinous that it provides evidence of current dangerousness by itself. This is such a case.

But there is more evidence that Davis remains a danger to society. Davis has consistently minimized his role in these crimes and the Family's activities. For decades, he claimed that he had no idea what was going to happen to Mr. Hinman and that all he did was drive people to Mr. Hinman's house. As recently as his 2009 psychological evaluation, he stated that "if he had known what was to occur, he would not have participated." At his 2010 psychological evaluation, he still denied pointing a gun at Mr. Hinman. At his 2012 Board hearing, Davis admitted for the first time that he "pointed my pistol at Gary [Hinman] in an attempt to rob him" and was "holding a gun on Gary when his face was cut open" by Manson. He still denies that he took part in the planning.

Davis has long minimized and rationalized his behavior with respect to Mr. Shea's murder as well. He told a psychologist in 1997 that he just "went along" with the plans to kill Mr. Shea. He stated that when Manson handed him a machete to cut Mr. Shea's head off, he refused and threw it away, but that he was handed a knife and "felt that he had to make at least a symbolic cut on the victim's shoulder." In 1999, he told the psychologist that "he felt himself coerced into making at least a token cut on the victim's shoulder although he thought at the time [Shea] was already dead." In 2006, he claimed that "[t]hey hit him and stabbed him. He finally went down. Charlie wanted me to cut his head off with a machete, but I wouldn't do it. I did cut his arm with the tip of a knife to say 'Ok, I did something.'" He repeated to the 2009 psychologist that he "believed that the victim was already dead when he cut his arm." In 2010, he told the Board: "Commissioner, for years I wish that I would just say, 'Oh, yeah, I was there. I stabbed him.' But it's not the truth."

In contrast to his previous statements that he made a "token cut" to a "dead" Mr. Shea under pressure from Manson, he told the Board in 2012 that he sliced Mr. Shea "from his armpit to his collarbone." He now states he doesn't know if Mr. Shea was dead at the time he stabbed Mr. Shea. He still denies, however, that he participated in planning Mr. Shea's death. After forty-two years of incarceration, it is encouraging that Davis is beginning to reveal the actual details of what happened. But it is clear that he continues to withhold information about these events. He admitted to the Board, for example, that a "Larry Jones" was present at the time Mr. Shea was murdered, and that he had been "protect[ing] Larry" all this time. Davis's choice to withhold information regarding the crimes and the identity of a potential crime partner indicates to me that his commitment to the Manson Family still exceeds his commitment to the community.

I am also concerned that Davis continues to minimize the extent of his involvement and leadership within the Family. He told the psychologist in 2010 that "I thought that I could be in the Family and have the things I wanted and stay out of the things I didn't want. [T]hat I could ride motorcycles and be with the girls and have romance and adventure but not be involved in this over here [the criminal behavior and violence toward other people]." He stated "I would try to not go on those adventures [crime and violence] and just stay with the girls."

He told the Board in 2012 that he was “willfully blind” and was “enjoying the things I thought I wanted. I had the company of the females and the drugs and at that point, I didn’t care about much else.” He claimed that after Mr. Hinman’s death, “I was more resistant to going out on the escapades, going creepy crawling as they called it. I didn’t want to do that. That was too scary for me.” Following Mr. Shea’s murder, he stated that he was “in shock” and “wanted to be isolated, away from everybody” but concedes that he “got over it.”

Davis’s continued insistence that he reluctantly involved himself in the Family’s murderous pursuits in order to indulge in its sex and drug-fueled activities strains credulity and is contradicted by his own statements and actions at the time. He had no qualms about slicing Mr. Shea “from armpit to collarbone” and participating in this vicious murder only weeks after Mr. Hinman was tortured and murdered. He claims that he was “shocked” over Mr. Shea’s death, but days later, he gleefully recounted the details of the murder, telling other Family members, “Yeah, when we brought him to now, Clem cut his head off,” adding, “That was far out.” He was seen smiling and nodding while Manson spoke about Mr. Shea’s murder. These are not the statements and actions of a man who only tolerated the Family’s violence and criminal behavior in order to partake in sex and drugs.

The record discloses that in August 1969, Davis showed a newspaper clipping to Alan Springer about the Beausoleil murder trial, at which Family member Danny DeCarlo had testified. Springer said he did not like the idea of DeCarlo testifying. Davis replied, “Yes, we’ll have to do something about that.” Davis said they had ways of taking care of “snitchers” and that they had already taken care of one. Davis told Springer, “We cut his arms, legs and head off and buried him on the ranch.” Davis added that the guy was a “snitch” and that “they were afraid that he was going to the police with information, so they ‘done away with him.’” When asked if he was referring to Mr. Shea, Davis said, “yeah.”

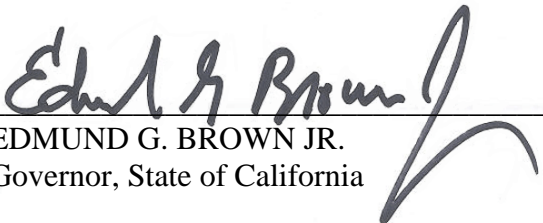
This record indicates that Davis fully embraced and championed the Family’s distorted values and goals, and was willing to protect the Family’s interests at all costs. He murdered Mr. Shea to silence him, helped kill Mr. Hinman to fund the Family’s activities, and threatened to kill Danny DeCarlo for testifying against another Family member.

But Davis in no way acknowledges this. He told the psychologist that he realizes now that “the fact that I hung out with these guys and was the second oldest person [after Manson] influenced the people to carry on with what they were doing ... my presence said ‘go on ahead.’” It was not just Davis’s “presence” that influenced other members to participate in these brutal activities; he encouraged and supported this violence by word and deed. I do not believe that Davis was just a reluctant follower who passively went along with the violence. As the sentencing court noted, Davis was older, more experienced, he knew what the Manson Family was capable of, and he knowingly and willingly took part in these crimes. Until Davis can acknowledge and explain why he actively championed the Family’s interests, and shed more light on the nature of his involvement, I am not prepared to release him.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Davis is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses a danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Davis.

Decision Date: March 1, 2013


EDMUND G. BROWN JR.
Governor, State of California